

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HYPHY MUSIC, INC.,

Plaintiff,

v.

JULIAN TAPIA SENA, ET. AL.,

Defendants.

Case No. 1:21-cv-00216-JLT-HBK

ORDER DIRECTING PLAINTIFF TO SHOW
CAUSE UNDER FEDERAL RULE OF CIVIL
PROCEDURE 4(M)


This matter comes before the Court following a status conference on July 3, 2025. Plaintiff filed the complaint on February 19, 2021. (Doc. No. 1). The clerk issued summons for Defendants on February 22, 2021. (Doc. No. 4). As of the date on this order, no return of service as to Defendant Isidora Gloria Posadas Romano has been docketed nor has Defendant Posadas Romano appeared in this action. (*See generally* docket).

Federal Rule of Civil Procedure 4(m) requires a plaintiff to serve a defendant within 90 days of filing the complaint. The time may be extended for good cause shown. If a defendant is not served within the requisite time period, after notice to plaintiff, the court must dismiss the action without prejudice, or order that service be made within a certain time period. (*Id.*) (emphasis added). Because more than 90 days have passed and it does not appear Defendant Posadas Romano has been served a copy of the complaint and summons, Plaintiff is directed to show good cause why Defendant Posadas Romano should not be dismissed under Rule 4.

Accordingly, it is **ORDERED**:

1. Within fourteen (14) days of the date on this Order, Plaintiff shall show good cause why Defendant Posadas Romano should not be dismissed under Federal Rule of Civil Procedure 4(m).
2. Failure to respond to this order will result in the recommendation that all claims against Defendant Posadas Romano be dismissed.
3. In the alternative, by the same date, Plaintiff may move to voluntarily dismiss Defendant Posadas Romano pursuant to Federal Rule of Civil Procedure 41.

Dated: July 7, 2025


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE